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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 DEVON PRESCOTT, et al.,

7 Plaintiffs,

8 v.

9 SLIDE FIRE SOLUTIONS, LP,

10 Defendant.
11

Case No. 2:18-cv-00296-GMN-CWH

ORDER

12 Presently before the court is plaintiffs Devon Prescott and Brooke Freeman's emergency
13 motion for authorization to issue evidence preservation subpoenas (ECF No. 37), filed January
14 29, 2019.

15 This case arises from allegations that defendant Slide Fire Solutions, LP ("Slide Fire")
16 manufactures and sells bump stock devices that convert semiautomatic firearms into machine
17 guns. (Compl. (ECF No. 1-2) at 10.) Plaintiffs further allege that Slide Fire designed,
18 manufactured and/or sold the bump stock device used by Stephen Paddock during the 2017 Route
19 91 Harvest Festival shooting. (*Id.* at 9-10.)

20 Plaintiffs now move for authority to issue a preservation subpoena to Paddock's estate, the
21 Las Vegas Metropolitan Police Department, and the Federal Bureau of Investigation's Las Vegas
22 Office to preserve any and all evidence in their possession. (Emergency Mot. (ECF No. 37) at 6.)
23 Plaintiffs argue that Paddock's estate's administrator intends to advocate for the destruction of
24 Paddock's weapons at a court hearing scheduled in March of 2019. (*Id.* at 4.) Further, plaintiffs
25 claim that the FBI and LVMPD's issuance of final reports in the investigation of the shooting
26 may result in the loss of evidence. (*Id.*) According to plaintiffs, the possibility that evidence may
27 be destroyed before discovery is conducted in this case necessitates an order that evidence be
28 preserved.

Considering plaintiffs' contentions that evidence pertinent to this case may be destroyed, the court will handle the matter in an expedited fashion. Plaintiffs must serve a Rule 45 subpoena and a copy of this order on Paddock's estate, LVMPD, and the FBI's Las Vegas office by February 1, 2019. Plaintiffs must file proof of that service by February 4, 2019. Defendant's response to this motion is due February 8, 2019, and plaintiffs must reply by February 14, 2019. An entity receiving a subpoena shall serve its objection on plaintiff within 14 days of service, as provided by Rule 45(d) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that plaintiffs must serve a Rule 45 subpoena and a copy of this order on Paddock's estate, LVMPD, and the FBI's Las Vegas office by February 1, 2019. Objections to plaintiffs' subpoena are due to plaintiffs by February 14, 2019.

IT IS FURTHER ORDERED that plaintiffs must file proof of service by February 4, 2019.

IT IS FURTHER ORDERED that plaintiffs' emergency motion shall be briefed on the following schedule:

Responses are due February 8, 2019

Replies are due February 14, 2019

DATED: January 30, 2019

C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE